

REMARKS

The application has been amended and is believed to be in condition for allowance.

As an initial matter, the undersigned appreciates with thanks the Examiner taking time to discuss this matter in several telephone interviews on at least July 23, July 29, and August 7, 2009.

There are no formal matters pending.

Claim Rejections - Sections 102 and 103

The Official Action rejected claims 58-62, 64-66, 68-71, and 76-77 under 35 USC 102(e) as being anticipated by Wang et al. (US 7,212,116; "WANG").

The Official Action rejected claims 63 and 67 under 35 USC 103(a) as being unpatentable over WANG in view of Bann (US Pub. 2005/0054293).

The Official Action rejected claims 72-74 under 35 USC 103(a) as being unpatentable over WANG in view of Goto (US 5,982,295).

The Official Action rejected claims 75, and 78-80 under WANG in view of Maloney (US 6,707,381).

The Official Action rejected claims 81-84 under 35 USC 103(a) as being unpatentable over WANG in view of Ogura et al. (US Pub. 2003/0033175).

In response, it is respectfully submitted that WANG is not proper prior art to the present invention.

The present invention claims priority to French Patent Application No. 03 04842 which was filed with the French patent office on April 17, 2003.

WANG was filed in the US Patent Office on December 10, 2004.

Hence, the US filing date for WANG is subsequent to the present application's foreign filing date in France. Specifically, the Applicant claims the benefit of the priority filing date of French Patent Application No. 03 04842, filed on April 17, 2003, under the provisions of 35 USC 119. A certified copy of French Patent Application No. 03 04842 was submitted to the U.S. Patent Office on October 17, 2005.

The claim to the priority date of French Patent Application No. 03 04842 is hereby perfected by the provision of a verified English-language translation of French Patent Application No. 03 04842 in the Appendix of this response. In accordance with MPEP § 201.15, it will be apparent that the Applicant is entitled to the priority date of April 17, 2003.

Accordingly, it is respectfully solicited that the rejection of claims 58-62, 64-66, 68-71, and 76-77 as being anticipated by WANG be withdrawn.

It is also respectfully submitted that the rejections of claims 63, 67, 72-75, 78-80, and 81-84 as being unpatentable in view of WANG be withdrawn.

From the foregoing, it will be apparent that Applicant has fully responded to the August 13, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

- verified English-language translation of French Patent  
Application No. 03 04842